

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 3:19-CR-633-M

JOHN PAUL DOMINIC GUIA (1)
CEDRIC SMITH (2)
JOSEPH JACKSON (3)
BRIANNA SMITH (4)

GOVERNMENT’S MOTION FOR PRETRIAL DETENTION

The United States asks for the pretrial detention of Defendant under Title 18,
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under
18 U.S.C. § 3142(f) because it is a case that involves:

- ☐ A crime of violence as defined in 18 U.S.C. § 3156(a)(4).
(18 U.S.C. § 3142(f)(1)(A)).
- ☐ An offense for which the maximum sentence is life imprisonment or
death. (18 U.S.C. § 3142(f)(1)(B)).
- ☒ Controlled substances offense for which the maximum sentence is
10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- ☐ A felony that was committed after the defendant had been convicted
or two or more prior federal offenses described in 18 U.S.C.
§ 3142(f)(1)(A)–(C), or comparable state or local offenses.
(18 U.S.C. § 3142(f)(1)(D)).
- ☒ A serious risk defendant will not appear.
(18 U.S.C. § 3142(f)(2)(A)).
- ☐ A serious risk defendant will obstruct or attempt to obstruct justice,
or threaten, injure or intimidate, or attempt to threaten, injure, or
intimidate a prospective witness or juror.
(18 U.S.C. § 3142(f)(2)(B)).
- ☐ A felony that involves a minor victim in a qualifying offense or
failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).

☒ A felony that involves the possession or use of a firearm or destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant because no condition or combination of conditions will reasonably assure:

☒ Defendant's appearance as required.
☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e).

The presumption applies because:

☒ Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).
☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(1)-(3)).
☐ Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)(5).
☐ Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

☐ At first appearance.
☒ After continuance of three (3) days.
☐ After continuance of 10 days under 18 U.S.C. § 3142(d).
☐ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

Respectfully submitted,

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UNITED STATES ATTORNEY

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